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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,939	10/20/2003	Ping-Kun Hu	T-1268	4024
802	7590	08/11/2005	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			WOLFE, DEBRA M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,939	HU, PING-KUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra Wolfe	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |



## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Allowable Subject Matter***

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "a sliding seat slidable along the guiding assembly and having a first power means with a first power means with a first motor, and a second motor power means, both the first power means and the second power means mounted on the sliding seat to drive the sliding seat to move, a moving plate having a through hole defined through the moving plate to receive therein the second power means and a tube clamp mounted on top of the moving plate for clamping the workpiece; and a clutch mounted on a bottom face of the moving plate to alternately connect to the second power means and having an auxiliary bracket under the moving plate, wherein the first power means has a first motor on top of the moving plate to securely connect to a first transmission gear and the second power means has a second motor securely mounted on the auxiliary bracket to securely connect to a second transmission gear, wherein one end of the workpiece is in contact with the sliding seat and the other end of the workpiece is securely engaged with the tube bending machine such that movement of the sliding sear is



controlled by the clutch so that when the second motor is activated to drive the sliding seat, the second transmission gear is securely engaged with the rack assembly and thus the sliding seat is able to move and the workpiece is bent by the movement of the sliding seat" in combination with the rest of the claimed limitations set forth in the independent claim.

Further searching by the examiner yielded additional prior art as follows:

2. Eaton (U.S. Patent # 3,974,676) discloses a Tube Bending Machine and Carriage Therefor comprising of a carriage (12) with rollers (79, 81) that runs on the base (10) of a tube bending machine having a guide track (36) and rack (122) and is connected to a motor (50) and a clutch engaging knob (56). Fabbri (U.S. Patent # 5,140,878) discloses a Bar-pusher Actuation Device for Bar-feeders Applied to Machine Tools. The device disclosed by Fabbri (U.S. Patent # 5,140,878) contains a guide channel (6), a slider (15), gearwheels (14) and a gear motor (12) all housed on the frame (10).

3. However the above cited prior art fails to disclose a "first power means with a first motor, and a second motor power means, both the first power means and the second power means mounted on the sliding seat to drive the sliding seat to move, a moving plate having a through hole defined through the moving plate to receive therein the second power means and a tube clamp mounted on top of the moving plate for clamping the workpiece; and a clutch mounted on a bottom face of the moving plate to alternately connect to the second power means and having an auxiliary bracket under the moving plate, wherein the first power means has a first motor on top of the moving plate to securely connect to a first transmission gear and the second power means has a second motor securely mounted on the auxiliary bracket to securely connect to a second transmission gear, wherein one end of the workpiece is in contact with the sliding seat



and the other end of the workpiece is securely engaged with the tube bending machine such that movement of the sliding sear is controlled by the clutch so that when the second motor is activated to drive the sliding seat, the second transmission gear is securely engaged with the rack assembly and thus the sliding seat is able to move and the workpiece is bent by the movement of the sliding seat." Therefore, it is concluded by the examiner that the present invention is patentable based on claims 1-5.

### *Conclusion*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. U.S. Patent Number 5,426,965 to Hopf
2. U.S. Patent Number 2,971,194 to Hahn

2. This application is in condition for allowance except for the following formal matters:

1. The description of the U.S. Pat. No. 5,426,965 "Carriage Boost Drive" it incorrect. U.S. Patent No. 5,426,965 does not contain the figures 8 and 9 and does not have the reference numerals stated by the applicant.
2. The examiner suggests removing the underlines from the headings and to remove the symbol "<?" that appears on page 4, line 21
3. The examiner suggests removing the symbol "\*" that appears in claim 1, line 12.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached on Monday - Thursday 6am - 3:30pm with alternating Fridays 6am – 2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe  
Examiner  
Art Unit 3725

A handwritten signature in black ink, appearing to read "Derris H. Banks", is positioned above the printed name.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**